REMARKS

Review and reconsideration of the above-identified application and claims in view of Applicants' amendment and remarks are respectfully requested. Claims 1-31 are pending. Applicants herein amend Claim 1 for clarity, and such amendment is supported in the specification, for example, at least at page 5, line 29, - page 6, line 2, and page 6, lines 4-7.

A Restriction Requirement under 35 U.S.C. §121 to Group I, Claims 1-30, or Group II, Claim 31, was made telephonically on October 14, 2003. As indicated in the telephone conference with Attorney Doreen Wells, Applicants elect Group I with traverse for the following reasons.

The Office Action indicates restriction is proper because "the product as claimed can be made by another and materially different process . . ." Applicants respectfully disagree. Claim 31 is "A microarray made by the process of claim 1." As claimed, the microarray of claim 31 must be made by the method of claim 1. The claim allows for no other means of manufacture. Further, because the claimed microarray is tied to the process of manufacture, the search areas overlap, putting no further burden of search and examination on the Examiner.

In view of the above, Applicants request rejoinder of claim 31 now, or at such time as the subject matter of claim 1 is deemed allowable.

Applicants thank the Examiner for consideration and acknowledgement of the Information Disclosure Statement and Form PTO-1449 filed by Applicants. Applicants understand the referenced patent applications have been considered for their content.

Claims 1 and 3-30 were rejected under 35 U.S.C. §103(a) over Guire et al. (U.S. Pat. Appl. Pub. 2003/0073086 A1). Claim 2 was rejected under 35 U.S.C. §103(a) over Guire et al. in view of Nova (U.S. Pat. 6,340,588 B1). For at least the following reasons, Applicants traverse the rejection.

The Office Action states that Guire et al. teaches a method of making microarrays by immobilizing microparticles on a support, wherein the microparticles are trapped in a receiving layer which is then cross-linked by

activation of a cross-linking agent (see page 6, Office Action). The Office Action asserts this cross-linking is a sol/gel transition. The Office Action states that Nova teaches a method of coating matrix materials on supports with bioactive agents, wherein the matrix material can be cellulose, gelatin, or dextran.

The invention is directed towards a method of making a microarray, wherein the method includes providing a support; coating a receiving layer to receive microspheres on the support, wherein the receiving layer is capable of undergoing sol/gel transition by thermal gelation; coating on the receiving layer a dispersion of microspheres in a carrier fluid, wherein the carrier fluid contains at least one crosslinking agent and is capable of solvating the receiving layer; allowing the microspheres to partially submerge into the receiving layer; creating conditions to induce sol/gel transition in the receiving layer, immobilizing the microspheres; evaporating off the carrier fluid; and allowing a crosslinking reaction between the receiving layer and the crosslinker in the carrier fluid. The microspheres are bound by the sol/gel transition of the receiving layer, which is achieved by thermal gelation, as described in the specification at least at page 5, line 29, - page 6, line 2, and page 6, lines 4-7. The sol/gel transition by thermal gelation occurs by hydrogen bonding, not cross-linking, as described in the specification.

In contrast, Guire et al. discloses a receiving layer which is cross-linked by activation of a cross-linking agent. The receiving layer can include a derivitized polymer having a thermally reactive group (*see* paragraph 0088). Reactive immobilization of the microparticles can occur through thermal reaction of the polymer by application of heat (*see* paragraph 0085). Thermal reaction is not the same as thermal gelation. Thermal reaction, as defined by Guire et al., requires cross-linking. Thermal gelation, as defined in Applicants' specification, is limited to secondary bonding, for example, hydrogen bonding, and is expressly distinguished from cross-linking at page 5, line 24, - page 6, line 9, of the specification.

For at least the above reasons, Guire et al. does not disclose or suggest the subject matter of the claimed invention, for example, thermal gelation of the receiving layer. Nova does not cure the deficiencies of Guire et al. because Nova does not disclose thermal gelation of the matrix material. Reconsideration

and withdrawal of the rejections under 35 U.S.C. §103(a) over Guire et al. and Guire et al. in view of Nova are in order and respectfully requested.

For at least the reasons set forth above, Applicants submit all of Claims 1-31 are in condition for allowance. Prompt and favorable action is respectfully requested.

Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,

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